

Notice of Allowability

Application No.

10/643,012

Examiner

Daniel J. Mills

Applicant(s)

DOBROVOLNY

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment dated 5/8/2006 and telephone interview 6/23/2006.
2. ☒ The allowed claim(s) is/are 1, 5-7, 9, 10, 13-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6/25/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Amendment

Authorization for this examiner's amendment was given in a telephone interview with Mr. Peter Sawicki on 6/23/2006.

The application has been amended as follows:

Claim 1 line 13 "side rails" has been changed to --side rail--

Claim 2 has been cancelled

Claim 5 line 2 "side rails" has been changed to --side rail--

Claim 23 line 1 "claim 20" has been changed to --claim 22--

Claim 26 line 1 "claim 20" has been changed to --claim 22--

Art Unit: 3679

The following is an examiner's statement of reasons for allowance:

The prior art, particularly LeVahn (4,355,631) shows various types of devices for clamping a retractor support. The prior art does not teach or suggest the combination of features claimed.

Regarding claims 1, 5, and 6, the prior art does not suggest a device for clamping a retractor support with a first clamping member disposed between a side of the operating table and the side rail and a second clamping member disposed between the side of the operating table and the first clamping member with a mechanism operable to move the clamping members in opposite directions to engage the first clamping member with the side rail and the second clamping member with the side of the operating table, the mechanism comprising a first threaded rod engaging both clamping members above the side rail and a second threaded rod engaging both clamping members below the side rail so that when the rods are turned the clamping members move in opposing directions in combination with all other limitations.

Regarding claims 7 and 9, the prior art does not suggest a device for clamping a retractor support with a U-shaped member having first and second legs, the legs being disposed on opposite sides of the rail, first and second rods engaging the U-shaped member above and below the side rail respectively, and a clamping plate rotatably engaged by the first and second rods so that when the rods are turned a leg of the U-shaped member is forced against the side rail and the clamping plate is positioned against the side of the operating table.

Regarding claims 10, 13-19, the prior art does not suggest a device for clamping a retractor support with a first clamp plate disposed between the side rail and a side of the operating table, and a second clamp plate disposed between the first clamp plate and the operating table and engaging the side of the operating table, with a first force providing mechanism that comprises a first bore disposed into the second clamp plate and a first threaded bore disposed through the first clamp plate, wherein the first threaded bore is aligned with the first bore and a first threaded bolt threadably engages the first threaded bore and operably engage the first bore in which manipulation of the first threaded bolt places the first clamp plate into frictional engagement with the side rail.

Regarding claims 20-28, the prior art does not suggest a device for clamping a retractor support with a first clamping member disposed between a side of the operating table and the side rail and a second clamping member disposed between the side of the operating table and the first clamping member and engaging the side of the operating table with a first force providing mechanism operably connected to both the first and second clamp plates and providing a clamping force to the first clamp plate by interacting with the second clamp plate to frictionally engage the first clamping member with the side rail and with a second force providing mechanism operably connected to both the first and second clamp plates and providing a clamping force to the first clamp plate by interacting with the second clamp plate to frictionally engage the first clamping member with the side rail.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DJM
6/25/2006



James R. Brittain
Primary Examiner